IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27618 of 2007(K)

PETITIONER:

BAIJU VARGHESE, H.S.A.(ENGLISH),
R.M.VOCATIONAL HIGHER SECONDARY SCHOOL,
P.O.PERINJANAM, THRISSUR.
RESIDING AT KARIPPAI, KUTTIKAD P.O.,
THRISSUR.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

4. THE DISTRICT EDUCATIONAL OFFICER,
CHAVAKKAD, THRISSUR DISTRICT.

5. THE MANAGER,
R.M.VOCATIONAL HIGHER SECONDARY SCHOOL,
P.O.PERINJANAM, THRISSUR.

R1 TO R4 BY GOVT. PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) No. 27618 of 2007 - K

Dated this the 18th day of September, 2007

J U D G M E N T

The petitioner's appointment as High School Assistant (English) was refused to be approved by the fourth respondent on the ground that his B.Ed. Degree cannot be recognised since the same does not refer to the specialization subject as English. His appeal before the Director of Public Instructions also did not meet with success since the same has been rejected by Ext.P13. The contention of the petitioner is that although in the degree certificate, the specialization subject is not specifically mentioned, the mark list produced would certainly prove the specialization subject of the petitioner. He has further obtained Ext.P14 certificate from the concerned University certifying that the petitioner's specialization subject is English. The petitioner therefore challenges Ext.P13 order of the Director of Public Instructions as well as the order of the lower authorities.

2. The learned Government Pleader submits that the petitioner has got an effective remedy against Ext.P13 by way of revision before the Government. I am also satisfied that the petitioner should invoke the statutory remedy first.

3. Therefore, this writ petition is disposed of permitting the petitioner to file a revision against Ext.P13. If such a revision is filed, the first respondent shall consider the same and pass appropriate orders thereon, in accordance with law, as expeditiously as possible, at any rate within a period of two months from the date of receipt of such revision. I make it clear that it would be open to the petitioner to rely on all the materials in his possession including Ext.P14 certificate issued by the concerned University and the first respondent shall consider the same in accordance with law. The petitioner shall also be afforded an opportunity of being heard while passing orders on the revision.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J.

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007